

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1253

Introduced by Synowiecki, 7; Howard, 9

Read first time January 18, 2006

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section
2 28-801, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to prostitution; to change penalty
4 provisions; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-801, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-801 (1) Any person who (a) performs, or offers, or
4 agrees to perform or (b) solicits another person to perform any act
5 of sexual contact or sexual penetration, as those terms are defined
6 in subdivision (6) of section 28-318, with any person not his or
7 her spouse, in exchange for money or other thing of value, commits
8 prostitution.

9 (2) ~~Prostitution is a Class I misdemeanor.~~ Any person
10 convicted of violating subsection (1) of this section shall be
11 punished as follows:

12 (a) If such person has had no prior convictions or has
13 had one prior conviction, such person shall be guilty of a Class II
14 misdemeanor and pay a fine of not less than one hundred dollars.
15 If the court places such person on probation, such order of
16 probation shall include, as one of its conditions, the payment of
17 a fine of not less than one hundred dollars and such person shall
18 satisfactorily attend and complete an appropriate mental health and
19 substance abuse assessment conducted by a licensed mental health
20 professional or substance abuse professional authorized to complete
21 such assessment;

22 (b) If such person has had two or three prior
23 convictions, such person shall be guilty of a Class I misdemeanor
24 and pay a fine of not less than one hundred dollars. If the
25 court places such person on probation, such order of probation

1 shall include, as one of its conditions, the payment of a fine
2 of not less than one hundred dollars and such person shall
3 satisfactorily attend and complete an appropriate mental health and
4 substance abuse assessment conducted by a licensed mental health
5 professional or substance abuse professional authorized to complete
6 such assessment; and

7 (c) If such person has had four or more prior
8 convictions, such person shall be guilty of a Class IV felony and
9 pay a fine of not less than one hundred dollars. If the court
10 places such person on probation, such order of probation shall
11 include, as one of its conditions, the payment of a fine of not
12 less than one hundred dollars and such person shall satisfactorily
13 attend and complete an appropriate mental health and substance
14 abuse assessment conducted by a licensed mental health professional
15 or substance abuse professional authorized to complete such
16 assessment.

17 For purposes of this subsection, prior conviction means
18 any conviction on or after the effective date of this act for
19 violation of subsection (1) of this section or any conviction on
20 or after the effective date of this act for violation of a city or
21 village ordinance relating to prostitution or the solicitation of
22 prostitution.

23 (3) If a motor vehicle is used in the commission of a
24 violation of subsection (1) of this section, the motor vehicle may
25 be towed by a law enforcement agency to a towing yard at the motor

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1 vehicle owner's expense.

2 Sec. 2. Original section 28-801, Reissue Revised Statutes

3 of Nebraska, is repealed.